

REMARKS

Claims 22 to 35 are presently pending in this application. Claims 22, 27 to 29 and 35 have been amended hereby to more clearly distinguish over the prior art by providing a limitation of the “thick integral internal septum” in order to better convey the limitation of “unitary catheter,” and the distal end tubes are “releasably re-attached” since they were previously integrally joined to one another at internal septum 70 before the splitting step. Amendment has also been made to the Specification in paragraphs [0103] and [0110] to provide express support for the additional limitations, which find support in paragraph [0105] and in Figures 10a’ and 10b’ all as originally filed.

Claims 22 to 25, 27 to 30 and 33 to 35 stand rejected under 35 USC §102(e) as being anticipated by Ash et al (U.S. Patent No. 5,947,953). Additionally, claim 26 stands rejected under 35 USC §103(a) as being unpatentable over Ash et al. Also, claims 31 and 32 stand rejected under 35 USC §103(a) as being unpatentable over Ash et al in view of Melsky et al (U.S. Patent No. 5,704,915).

Reference Ash et al discloses a multiple lumen catheter assembly initially formed having a first catheter and a second catheter joined to each other by a splittable membrane. In this reference, all embodiments disclose (Figs. 4A to 4G) that the splittable membrane extends between for a separation distance d and joins the outer surfaces of respective catheters and that the membrane has a thin width enable manual splitting to separate portions of outer surfaces of the catheters from each other along the distal end portion. The express purpose of the disclosure in Ash et al is to provide for the practitioner to perform the splitting selectively when inserting the catheter assembly in a patient: the catheter remains unsplit for simplicity of tunneling and then the catheter is thereafter split selectively as the practitioner decides (Column 3, lines 28 to 36), and the splitting is manually effected by the thinness of the splittable membrane(s) 46 (Column 6, lines 42 to 44). There is no disclosure in the reference of releasably attaching or re-attaching the split distal end portions of the catheters. There is no thick integral internal septum.

Claims 22 and 35 have been amended to express the limitation of “thick integral internal septum.” Since reference Ash et al contains no disclosure of this limitation, Applicants

respectfully traverse the rejection based on 35 USC §102(e). Withdrawal of the rejection of claim 26 is respectfully requested, since claim 26 depends from claim 22.

Regarding the rejection of claims 31 and 32 based on Ash et al in view of Melsky, reference Melsky discloses polishing of shells 22 and outlet tubes 32. However, since claims 31 and 32 depend from claim 22, they are believed to patentably distinguish over the art and withdrawal of the rejection is respectfully requested..

Since it has been shown that all claims distinguish patentably over the references applied by the Examiner, allowance thereof is respectfully requested.

Respectfully submitted,

Donald A. Schon, et al

May 9, 2006
(Date)

By: Anton P. Ness
Anton P. Ness
Registration No. 28,453
Monte & McGraw, P.C.
4092 Skippack Pike
P.O. Box 650
Skippack, PA 19474
Telephone: 610-584-9400
Facsimile: 610-584-9783
E-Mail: aness@montemcgraw.com
Customer Number: 33941